

## **IC 20-29-5**

### **Chapter 5. Units and Exclusive Representatives**

#### **IC 20-29-5-1**

##### **Exclusive representatives; selection of unit**

Sec. 1. (a) The exclusive representative shall serve for school employees within certain groups referred to in this chapter as units or bargaining units. A bargaining unit may not contain both certificated and noncertificated employees. Subject to this limitation, the units for which an exclusive representative serves are determined in accordance with subsections (b) through (d).

(b) The parties may agree on the appropriate unit. For this purpose, the parties consist of the school employer and a school employee organization representing at least twenty percent (20%) of the school employees in a proposed unit.

(c) If the parties do not reach an agreement on the appropriate unit, or if a school employee in the proposed unit files a complaint about the unit with the board, the board shall determine the proper unit after a hearing. The board's decision must be based on but not limited to the following considerations:

- (1) Efficient administration of school operations.
- (2) The existence of a community of interest among school employees.
- (3) The effects on the school corporation and school employees of fragmentation of units.
- (4) Recommendations of the parties involved.

(d) In making a determination under subsection (c), the board shall give notice to all interested parties in accordance with the rules of the board. In giving notice under this subsection, the board is not required to follow IC 4-21.5.

*As added by P.L.1-2005, SEC.13.*

#### **IC 20-29-5-2**

##### **Recognition of school employer organization as exclusive representative by school employer**

Sec. 2. (a) A school employer may recognize as the exclusive representative of the school employer's employees within an appropriate unit a school employee organization that presents to the employer evidence of the school employee organization's representation of a majority of the school employees within the unit, unless:

- (1) another school employee organization representing twenty percent (20%) of the school employees within the unit files written objections to the recognition; or
- (2) a school employee files a complaint to the composition of the unit with the school employer or the board within the notice period set forth in this section.

(b) Before recognizing an exclusive representative under this section, the school employer shall post a written public notice of the school employer's intention to recognize the school employee

organization as exclusive representative of the school employees within the unit. The notice must be posted, for thirty (30) calendar days immediately preceding recognition, in each of the buildings where the school employees in any unit principally work.

*As added by P.L.1-2005, SEC.13.*

### **IC 20-29-5-3**

#### **Determination of exclusive representative other than exclusive school employee organization**

Sec. 3. (a) If an exclusive school employee organization is not determined under section 2 of this chapter, the determination of whether a school employee organization shall be the exclusive representative shall be determined under this section.

(b) A school employee organization may file a petition asserting that:

- (1) twenty percent (20%) of the employees in an appropriate unit wish to be represented for collective bargaining by the school employee organization as exclusive representative; or
- (2) the designated exclusive representative is no longer the representative of the majority of school employees in the unit.

(c) The school employer may file a petition asserting that:

- (1) that one (1) or more school employee organizations have presented to the school employer a claim to be recognized as the exclusive representative in an appropriate unit; or
- (2) that the school employer has good faith doubt that the previously certified school employee organization represents a majority of employees in the bargaining unit.

(d) Twenty percent (20%) of the school employees in a unit may file a petition asserting that the designated exclusive representative is no longer the representative of the majority of school employees in the unit.

(e) The board shall investigate a petition filed under subsection (b), (c), or (d). If the board has reasonable cause to believe that a question exists as to whether the designated exclusive representative or any school employee organization represents a majority of the school employees in a unit, the board shall provide for an appropriate hearing within thirty (30) days. In holding a hearing, the board is not required to comply with IC 4-21.5.

(f) If the board finds, based on the record of a hearing held under subsection (e), that a question of representation exists, the board shall direct an election by secret ballot in a unit the board determines to be appropriate.

(g) Certification as the exclusive representative may be granted only to a school employee organization that has been selected in a secret ballot election under subsection (f), by a majority of all the employees in an appropriate unit as their representative.

(h) An election described in subsection (f) may not be held in a bargaining unit if a valid election has been held in the preceding twenty-four (24) month period.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-4****Elections**

Sec. 4. In any election under this chapter, the board shall:

- (1) determine who is eligible to vote in the election; and
- (2) establish rules governing the election.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-5****Ballots**

Sec. 5. The ballot in an election under this chapter must contain the following:

- (1) The name of the petitioning school employee organization.
- (2) The names of any other school employee organization showing written evidence satisfactory to the board of at least twenty percent (20%) representation of the school employees within the unit.
- (3) A provision for choosing "No representation by a school employee organization."

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-6****Dues deductions**

Sec. 6. (a) The school employer shall, on receipt of the written authorization of a school employee:

- (1) deduct from the pay of the employee any dues designated or certified by the appropriate officer of a school employee organization that is an exclusive representative of any employees of the school employer; and
- (2) remit the dues described in subdivision (1) to the school employee organization.

(b) Deductions under this section must be consistent with:

- (1) IC 22-2-6;
- (2) IC 22-2-7; and
- (3) IC 20-28-9-18.

*As added by P.L.1-2005, SEC.13.*